

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

IN RE:

TERI G. GALARDI,

Debtor.

CHAPTER 11

CASE NO. 22-50035-JPS

MOTION FOR EX PARTE OR EXPEDITED HEARING

COMES NOW Thomas T. McClendon, as Liquidating Trustee of the Galardi Creditors Trust (the “Liquidating Trustee”), and hereby files this *Motion for Ex Parte or Expedited Hearing* (the “Motion”). In support of the Motion, Liquidating Trustee shows the Court as follows:

1. On August 29, 2023, the Liquidating Trustee filed a *Motion for Authority to Enter into Forbearance Agreement with Teri G. Galardi on Promissory Note Held by Galardi Creditors Trust* (Dkt. 550) (the “Forbearance Motion”).

2. Section 7.2 of the Trust Agreement, executed by Ms. Galardi and the Liquidating Trustee, provides:

Discretionary Submission of Questions. Subject to the provisions of this Section 7, the Liquidating Trustee, in his sole discretion and reasonable business judgment, may, but shall not be required to, submit to the Bankruptcy Court, from time to time, any question or questions with respect to which the Liquidating Trustee may desire to have explicit approval of the Bankruptcy Court for the taking of any specific action proposed to be taken by the Liquidating Trustee with respect to the Trust Estate, or any part thereof, and the administration and distribution of the Trust Estate. The written authorization of the Bankruptcy Court set forth in a Final Order shall constitute approval by the Bankruptcy Court of the proposed action to be taken by the Liquidating Trustee. All costs and expenses incurred by the Creditors Trust in the exercise of any right, power, authority conferred by this Section 7.2 shall be costs and reasonable expenses of the Trust Estate.

3. Section 7.2 of the Trust Agreement does not require a hearing. Thus, the Liquidating Trustee believes the Court is able to enter an order on the Forbearance Motion *ex parte*.

4. If the Court is not inclined to enter an order on the Forbearance Motion *ex parte*, the Liquidating Trustee requests the earliest possible hearing date the Court has available, as the deadline for submitting foreclosure advertisements in DeKalb County is today, August 29, 2023, at noon and in Fulton County is tomorrow, August 30, 2023, by 5:00 pm.

WHEREFORE, the Liquidating Trustee respectfully requests that this Court enter an order approving the Forbearance Motion *ex parte*, or, alternatively schedule an expedited hearing on the Forbearance Motion on at the Court's earliest opportunity, grant the relief requested in the Forbearance Motion, and grant such other relief as may be just and proper.

Respectfully submitted this 29th day of August, 2023.

JONES & WALDEN LLC

/s/ Thomas T. McClendon
Thomas T. McClendon
Georgia Bar No. 431452
699 Piedmont Ave. NE
Atlanta, Georgia 30308
(404) 564-9300
tmccclendon@joneswalden.com
Liquidating Trustee